

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No.: 05-207M
v.)	
)	
JAVIER ANDRES CORTEZ,)	DETENTION ORDER
)	
Defendant.)	
_____)	

Offense charged:

Felon in possession of a firearm (18 U.S.C. § 922(g)(1)).

Date of Detention Hearing: Initial appearance, April 29, 2005.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Defendant was not interviewed by Pretrial Services for the Western District of Washington.
- (2) A criminal records check reflects defendant has a prior criminal history involving

several violations.

(3) Defendant is viewed as a risk of nonappearance based on the facts that he is a native of El Salvador, his background and ties to this district are unknown, and there is an outstanding warrant for his arrest.

(4) Defendant is viewed as a risk of danger due to his criminal history and the nature of the instant offense.

(5) The defendant has stipulated to detention due to the detainer placed on defendant by the Bureau of Immigration and Customs Enforcement, but reserves the right to the possibility of a subsequent motion for release if there is a change of circumstances.

(6) There appear to be no conditions or combination of conditions that will reasonably assure the defendant's appearance at future Court hearings and that will address the danger to other persons or the community.

IT IS THEREFORE ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

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02 DATED this 29th day of April, 2005.
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04 s/ JAMES P. DONOHUE
05 United States Magistrate Judge
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